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Utility Model Rights Holder (Creator): Fujigoro Satoh,  
2246 Ooaza Unotoro, Sarusawa-mura,  
Iwafune-gun, Niigata

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### **Flexing Exerciser**

#### **Brief Explanation of Drawings**

The drawings depict the structure of a flexing exerciser based on this model. Fig. 1 therein is a side view of the extended condition thereof, Fig. 2 is a side view of the compressed condition thereof, and Fig. 3 is a plan of a pulley wheel.

#### **General Description of Properties, Action, and Benefits of Utility Model**

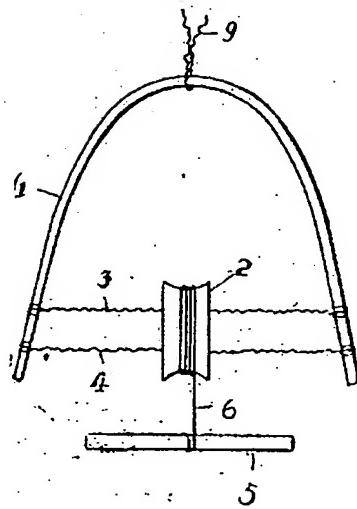
This model relates to a flexing exerciser formed by fastening a pulley wheel by two cords to a bow-shaped flexing member consisting of a strong and flexible material, winding a cord a suitable number of turns about the pulley wheel, and attaching one free end thereof to a handle. In Fig. 1, item 1 is a bow-shaped flexing member made of a strong and flexible material such as bamboo, for example, and item 2 is a pulley wheel made of wood, for example, wherein are provided two holes 7 and 8 as diagrammed in Fig. 3, through which holes are passed two cords 3 and 4, by which the pulley wheel 2 is fastened to the bow-shaped flexing member 1 in the bowstring position. Item 6 is a cord that is wrapped a suitable number of turns about the pulley wheel 2, one end whereof is fastened to a handle 5 consisting of a suitable material such as wood, for example. When this [exerciser] having the structure described above is attached to a fixed column, by a cord 9 fastened somewhere, such as at the back of the flexing member 1, for example, or hung to a hook on a fixed column, and the handle 5 is held and pulled, the cord 6 wound

onto the pulley wheel 2 will be extended, and the two cords 3 and 4 passed through the pulley wheel will be mutually twisted, whereupon the condition diagrammed in Fig. 2 will ensue. Next, when the handle 5 is returned toward the pulley wheel 2, due to the strong flexibility of the contracted flexing member 1, the cords 6, 3, and 4 will automatically be returned to their original conditions. Accordingly, when the handle 5 is held and the exercise movement described above is repeated, a flexing exercise can be performed very effectively, skillfully using the flexing action of the flexing member 1. Accordingly, various kinds of exercises which include flexing movements can be performed effectively. For example, lateral-diagonal exercises, rowing exercises, and bending exercises and the like can be performed effectively. To describe the rowing exercise in detail, first, while standing, [the user] steps out one step with the right foot, bends the upper body over to a suitable degree, grips the handle with both hands spread apart approximately 5 inches, and repeats a rowing motion, with the same feeling as when rowing a boat, without overly tensing the entire body. Next [the user] steps out with the left foot and repeats the same movement as just described. Thereafter, the movements described above are performed in like manner a suitable number of times. With the exerciser based on this model, various kinds of exercises that include pulling and flexing movements can be performed, repeating them most pleasantly, to a suitable degree, skillfully using the flexibility of the bow-shaped flexing member, as is clearly described in the foregoing. Thus this exerciser is ideal for people who do not have the time or skill to exercise outdoors and for people who should avoid strenuous exercise, allowing them to perform suitable exercises, simply and pleasantly, indoors or elsewhere, without being limited by time or place. Hence [the model] is beneficial in that an exerciser can be realized which is particularly well suited to senior citizens, and to workers or those wishing to keep healthy who need to exercise simply and only in their spare time.

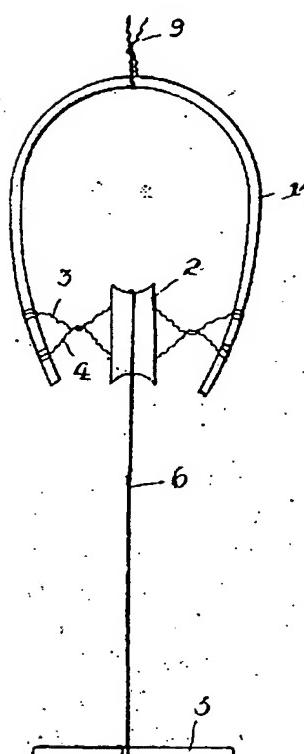
## Claims

A structure for a flexing exerciser comprising: a bow-shaped flexing member 1 consisting of a strong and flexible material; a pulley wheel 2 fastened thereto, at the position of a bowstring, by two cords 3 and 4; a cord 6 wound a plurality of turns thereon; and a handle 5 fastened to one free end thereof; configured such that, if the handle is pulled, the flexing member 1 is compressed, and if [the handle] is released, [the flexing member 1] extends.

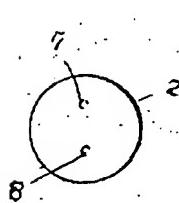
**Figure 1**



**Figure 2**



**Figure 3**





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## **2001.04 Information Under 37 CFR 1.56(a) [R-2] - 2000 Duty of Disclosure**

### **2001.04 Information Under 37 CFR 1.56(a) [R-2]**

#### **37 CFR 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

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The language of **37 CFR 1.56** (and **37 CFR 1.555**) has been modified effective March 16, 1992 to emphasize that there is a duty of candor and good faith which is broader than the duty to disclose material information. **37 CFR 1.56** further states that "no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct."

The Office strives to issue valid patents. The Office has both an obligation not to unjustly issue patents and an obligation not to unjustly deny patents. Innovation and technological advancement are best served when an inventor is issued a patent with the scope of protection that is deserved. The rules as adopted serve to remind individuals associated with the preparation and prosecution of patent applications of their duty of candor and good faith in their dealings with the Office, and will aid the Office in receiving, in a timely manner, the information it needs to carry out effective and efficient examination of patent applications.

The amendment to **37 CFR 1.56** was proposed to address criticism concerning a perceived lack of certainty in the materiality standard. The rule as promulgated will provide greater clarity and hopefully minimize the burden of litigation on the question of inequitable conduct before the Office, while providing the Office with the information necessary for effective and efficient examination of patent applications. **37 CFR 1.56** has been amended to present a clearer and more objective definition of what information the Office considers material to patentability. The rules do not define fraud or inequitable conduct which have elements both of materiality and of intent.

The definition of materiality in **37 CFR 1.56** does not impose substantial new burdens on applicants, but is intended to provide the Office with the information it needs to make a proper and independent determination on patentability. It is the patent examiner who should make the determination after considering all the facts involved in the particular case.

**37 CFR 1.56** states that each individual associated with the filing and prosecution of a patent application has a duty to disclose all information known to that individual to be material to patentability as defined in the section. Thus, the duty applies to contemporaneously or presently known information. The fact that information was known years ago does not mean that it was recognized that the information is material to the present application.

The term "information" as used in **37 CFR 1.56** means all of the kinds of information required to be disclosed and includes any information which is "material to patentability." Materiality is defined in **37 CFR 1.56(b)** and discussed herein at **MPEP § 2001.05**. In addition to prior art such as patents and publications, **37 CFR 1.56** includes, for example, information on >enablement,< possible prior public uses, sales, offers to sell, derived knowledge, prior invention by another, inventorship conflicts, and the like. >"Materiality is not limited to prior art but embraces any information that a reasonable examiner would be substantially likely to consider important in deciding whether to allow an application to issue as a patent." *Bristol-Myers Squibb Co. v. Rhone-Poulenc Rorer, Inc.*, 326 F.3d 1226, 1234, 66 USPQ2d 1481, 1486 (Fed. Cir. 2003) (emphasis in original) (finding article which was not prior art to be material to enablement issue).<

The term "information" is intended to be all encompassing, similar to the scope of the term as discussed with respect to 37 CFR 1.291(a) (see MPEP § 1901.02). 37 CFR 1.56(a) also states: "The Office encourages applicants to carefully examine: (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office." The sentence does not create any new duty for applicants, but is placed in the text of the rule as helpful guidance to individuals who file and prosecute patent applications.

It should be noted that the rules are *not* intended to require information *favorable* to patentability such as, for example, evidence of commercial success of the invention. Similarly, the rules are not intended to require, for example, disclosure of information concerning the level of skill in the art for purposes of determining obviousness.

37 CFR 1.56(a) states that the duty to disclose information exists until the application becomes abandoned. The duty to disclose information, however, does not end when an application becomes allowed but extends until a patent is granted on that application. The rules provide for information being considered after a notice of allowance is mailed and before the issue fee is paid ( 37 CFR 1.97(d)) (see MPEP § 609, paragraph B(3)). The rules also provide for an application to be withdrawn from issue

- (A) because one or more claims are unpatentable (37 CFR 1.313(c)(1));
- (B) for express abandonment so that information may be considered in a continuing application before a patent issues (37 CFR 1.313(c)(3)); or
- (C) for consideration of a request for continued examination (RCE) under 37 CFR 1.114 (37 CFR 1.313(a) and (c)(2)). Note that RCE practice does not apply to utility or plant applications filed before June 8, 1995 or to design applications. See MPEP § 706.07(h).

See MPEP § 1308 for additional information pertaining to withdrawal of an application from issue.

In a continuation-in-part application, individuals covered by 37 CFR 1.56 have a duty to disclose to the Office all information known to be material to patentability which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. See 37 CFR 1.56(e).

37 CFR 1.56 provides that the duty of disclosure can be met by submitting information to the Office in the manner prescribed by 37 CFR 1.97 and 1.98. See MPEP § 609. Applicants are provided certainty as to when information will be considered, and applicants will be informed when information is not considered. Note, however, that the Office may order or conduct reexamination proceedings based on prior art that was \*\*>cited/considered< in any prior related Office proceeding. See MPEP § 2242 >and MPEP § 2258.01<.

The Office does not believe that courts should, or will, find violations of the duty of disclosure because of unintentional noncompliance with 37 CFR 1.97 and 1.98. If the noncompliance is intentional, however, the applicant will have assumed the risk that the failure to submit the information in a manner that will result in its being considered by the examiner may be held to be a violation.

The Office does not anticipate any significant change in the quantity of information cited to the Office. Presumably, applicants will continue to submit information for consideration by the Office in applications rather than making and relying on their own determinations of materiality. An incentive remains to submit the information to the Office because it will result in a strengthened patent and will avoid later questions of materiality and intent to deceive. In addition, the new rules will actually facilitate the filing of information since the burden of submitting information to the Office has been reduced by eliminating, in most cases, the requirement for a concise statement of the relevance of each item of information listed in an information disclosure statement. It should also be noted that 37 CFR 1.97(h) states that the filing of an information disclosure statement shall not be considered to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR 1.56.

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## 登録實用新案公報

實用新案権者(考案者) 佐藤 藤五郎 新潟縣岩船郡猪澤村大字猪澤路2246

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## 屈伸運動器

## 圖面の略解

圖面は本考案による屈伸運動器の構造を示すもので第1圖は伸張状態の側面圖第2圖は屈縮状態の側面圖第3圖は滑車平面圖である。

## 實用新案の性質、作用及效果の要領

本考案は強質にして彈力ある材料よりなる弓形屈伸體に滑車を2本の絲繩を介して結び付け滑車には絲繩を適宜回数巻き其の一自由端に握柄を取付けてなる如き屈伸運動器に關するものである第1圖に於て1は強質にして彈力ある材料例へば竹より作られた弓形の屈伸體2は例へば木よりなる滑車であつて之に第3圖に示す様な2個の孔7,8が設けられ此の孔に通した2本の絲繩3,4を以て滑車2は弓形屈伸體1の弦位置に結び付けられている6は滑車2に適宜回数巻かれた絲繩で其の一端は適宜材料例へば木よりなる握柄5に結ばれている前記構造のものを屈伸體1の背部に於て例へば此處に結び付けた絲繩9を以て固定柱に取付け又は固定柱の鉄體に引掛け握柄5を持ち引く時は滑車2に巻かれた絲繩6は伸長し且滑車に通された2本の絲繩3,4は互に捻れ合ひて第2圖に示す状態となる次に握柄5を滑車2の方に返す時は屈縮した屈伸體1の強力彈力により絲繩6並3,4は元の状態に自動的に戻る從つて握柄5を持ちて前記運動を反復する時は屈伸體1の伸縮作用を巧に利用して屈伸運動を極めて有效に行ふことが出

来る從つて屈伸動作を含む各種運動を有效に行ふことが出来る例へば横斜運動、踏滑運動、起跳運動等を有效に行ひ得るもので踏滑運動に就き詳記するに先づ起跳の方法を一步前に踏み出し上半身を適度に俯して握柄を両手の滑り寸位離して握り全身は餘り力を入れ過ぎぬ様にし適度に船の舵を漕ぐと同様な氣持で漕ぐ様な動作を反復し次に左足を一步前に踏み出し前と同様な動作を反復し以下同様にして前記動作を適宜回数行ふものとす本案による運動器は前記説明に明かな様に弓形屈伸體の彈力を巧に利用して牽引屈伸動作を含む各種運動を適度に而も快適に反復して行ひ得るため屋外運動の時間と技能を持たない人又は過激運動を避くべき人が時間と場所に制限されることなく簡単に屋内等に於ても快適に適度の運動を行ふに適し從つて老人、餘暇時間のみに簡単に運動を必要とする事務者或は保健希望者等に對し特に適した運動具を得られる效果がある

## 登録請求の範囲

圖面に示す様に強質にして彈力ある材料よりなる弓形屈伸體1と其の弦位置に2本の絲繩3,4を介して結び付けられた滑車2と之に複數回巻かれた絲繩6と其の一自由端に結ばれた握柄5とよりなり握柄を引けば屈伸體1は屈縮し離せば伸張する様に構成してなる屈伸運動器の構造

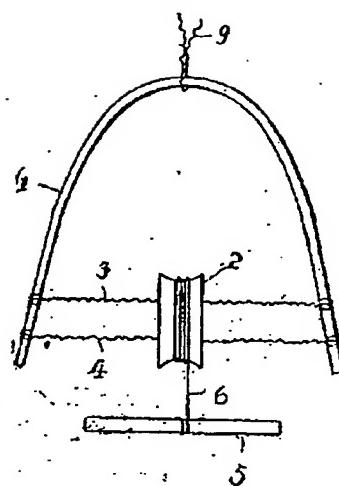
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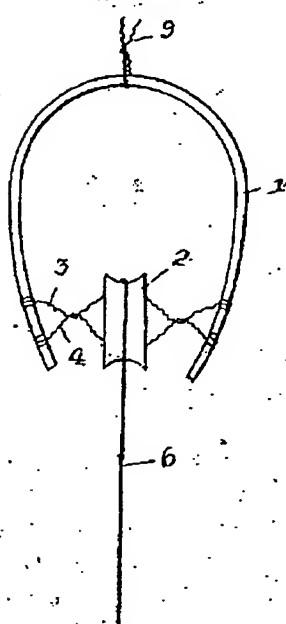
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第1圖



第2圖



第3圖



代理人 横田實雄外2名

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